

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

COLE GUSTIN, by and through DOROTHY
 KYLE and JOSEPH KYLE, Guardians Ad Litem,

Plaintiff,

vs.

PLANO MOLDING COMPANY, et al.,

Defendants.

Case No. 2:14-cv-00700-RCJ-CWH

ORDER

Presently before the Court is Third-Party Plaintiff Dorskocil Manufacturing Company's ("Dorskocil") Motion to Compel Supplementary Discovery Responses from Third-Party Defendant Carmen Gustin (ECF No. 159), filed on April 28, 2016. Third-Party Defendant Carmen Gustin did not file a response, which was due May 16, 2016.

In its motion, Dorskocil requests that Ms. Gustin supplement her response to Interrogatory 2 of Dorskocil's First Set of Interrogatories, which requested the address and telephone number of Ms. Gustin's son, Spenser Chaney Gustin. (Mot. to Compel (ECF No. 159) at 2.) Although Ms. Gustin responded that she did not know Spenser's address or telephone number, Dorskocil represents that it believes Ms. Gustin provided that information to Dr. Loong, Plaintiff Cole Gustin's neuropsychological expert, because Dr. Loong testified at his deposition that he spoke to Spenser on the telephone on March 27, 2016. (*Id.* at 3.) In its motion, Dorskocil describes the unsuccessful attempts that it made to meet and confer with Ms. Gustin's former attorney regarding this dispute. (*Id.*) Dorskocil requests that the Court compel Ms. Gustin to supplement her answer to Interrogatory 2 with any information she has about Spenser's address, location, or contact information. (*Id.* at 5.) It further requests that the Court order Ms. Gustin to pay the costs and fees that Dorskocil incurred in bringing this motion. (*Id.* at 4, 6.)


1 Given that Ms. Gustin did respond to the motion, the Court will grant the motion as
2 unopposed. *See* Local Rule 7-2(d) (stating that the “failure of an opposing party to file points and
3 authorities in response to any motion . . . constitutes a consent to the granting of the motion.”). For
4 the reasons stated in the motion, the Court will order Ms. Gustin to supplement her response to
5 Interrogatory 2. *See* Fed. R. Civ. P. 26(e)(1) (requiring a party who has responded to an
6 interrogatory to supplement or correct its response if the party learns that the response is incomplete
7 or incorrect, or as ordered by the court). Additionally, the Court will order Ms. Gustin to pay the
8 reasonable attorney’s fees and costs incurred by Daskocil in having to bring the motion. *See* Fed. R.
9 Civ. P. 37(a)(5)(A) (stating that if a motion to compel is granted, the court must require the party
10 whose conduct necessitated the motion “to pay the movant’s reasonable expenses incurred in making
11 the motion, including attorney’s fees.”).

12 IT IS THEREFORE ORDERED that Third-Party Plaintiff Daskocil Manufacturing
13 Company’s (“Daskocil”) Motion to Compel Supplementary Discovery Responses from Third-Party
14 Defendant Carmen Gustin (ECF No. 159) is GRANTED.

15 IT IS FURTHER ORDERED that by July 11, 2016, Third-Party Defendant Carmen Gustin
16 must supplement her response to Daskocil’s Interrogatory 2 with any information she has about
17 Spenser Gustin’s address, location, or contact information.

18 IT IS FURTHER ORDERED that by July 11, 2016, Third-Party Plaintiff Daskocil
19 Manufacturing Company and Third-Party Defendant Carmen Gustin must meet and confer regarding
20 the amount of reasonable attorney’s fees and costs that Ms. Gustin will pay to Daskocil to
21 compensate Daskocil for having to bring this motion.

22 DATED: June 23, 2016

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25 C.W. Hoffman, Jr.
26 United States Magistrate Judge
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